

1 BARRY J. PORTMAN
Federal Public Defender
2 NICHOLAS P. HUMY
Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
San Jose, CA 95113
4 Telephone: (408) 291-7753
5 Counsel for Defendant TRAN-TU
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11			CR-10-00317-JF
12	UNITED STATES OF AMERICA,)	No. CR-09-70225-HRL
13)	
14	Plaintiff,)	STIPULATION AND [PROPOSED]
15)	ORDER CONTINUING HEARING DATE
16	vs.)	AND EXCLUDE TIME UNDER THE
17)	SPEEDY TRIAL ACT
18	LANH TRAN-TU,)	
19)	
20	Defendant.)	
21)	

22 STIPULATION

23 Defendant Lanh Tran-Tu, by and through Assistant Federal Public Defender Nicholas
24 Humy, and the United States, by and through Assistant United States Attorney Gary G. Fry,
25 hereby stipulate that, with the Court's approval, the court date currently scheduled for Thursday,
26 October 28, 2010, shall be continued to Thursday, December 2, 2010, at 9:00 a.m.

The purpose of the continuance is because defense counsel is unavailable.

The parties agree that the time between October 28, 2010, and December 2, 2010, is
excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of
counsel and effective preparation by defense counsel.

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1 IT IS SO STIPULATED.

2
3 Dated: October 28, 2010

4 _____/s/
5 NICHOLAS P. HUMY
Assistant Federal Public Defender

6 Dated: October 28, 2010

7 _____/s/
8 GARY G. FRY
Assistant United States Attorney

9
10 ~~[PROPOSED]~~ **ORDER**

11
12 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
13 ORDERED that the hearing currently set for October 28, 2010, shall be continued to Thursday,
14 December 2, 2010, at 9:00 a.m.

15 IT IS FURTHER ORDERED that 35 days shall be excluded from the period of time in
16 which trial shall commence under the Speedy Trial Act as the reasonable time necessary for
17 continuity of counsel and effective defense preparation, pursuant to Title 18, United States Code,
18 Sections 3161(h)(8)(A) and 3161(h)(7)(B)(iv).

19 IT IS SO ORDERED.

20 Dated: 11/3/10

21 
HONORABLE JEREMY FOGEL
United States District Judge